

REMARKS/ARGUMENTS

Claims 22-24, 26-29, 31, 52-55 and 61-63 are active. Claims 25, 30, 36-51 and 56-60 have been withdrawn from consideration. Claim 22 has been amended as suggested by the Examiner. A redundant phrase has been removed from dependent claim 26, claim 52 has been amended to properly depend from claim 22 as amended, and the dependency in claim 55 has been corrected. Claims 61-63 find support in the original claims, e.g., in claims 6 and 13-15 as well as at the bottom of page 8 to page 9 of the specification. No new matter is believed to have been introduced. Favorable consideration of this amendment and allowance of the case are respectfully requested.

Restriction/Election

The Applicants previously elected without traverse **Group I**, claims 22-24, 26-36 and 52-55, directed to adenovirus products and methods involving the deletion of residues 311-319 of SEQ ID NO: 2, and the species **(i) type 2 canine adenovirus and (ii) cat**. The Applicants understand that additional species will be rejoined and examined upon an indication of allowability for a generic claim reading on the elected species. The Applicants respectfully request that the claims of the nonelected group(s) or other withdrawn subject matter which depend from or otherwise include all the limitations of an allowed elected claim, be rejoined upon an indication of allowability for the elected claim, see MPEP 821.04.

Rejection—35 U.S.C. §112, second paragraph

Claims 22-24, 26-29, 31-35 and 52-55 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is moot in view of the amendments above.

Rejection—35 U.S.C. §112, first paragraph

Claims 32-35 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate enablement. This rejection is moot in view of the cancellation of these claims.

Rejection—35 U.S.C. §102(b)

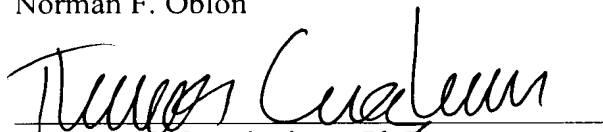
Claims 22, 23, 26-28, 31, 32, 34, 35, and 52-55 were rejected under 35 U.S.C. 102(b) as being anticipated by Eloit, et al., J. Gen. Virol. (1995). This rejection is moot in view of the amendments above and would not apply to the new claims.

Conclusion

This application presents allowable subject matter and the Examiner is respectfully requested to pass it to issue. The Examiner is kindly invited to contact the undersigned should a further discussion of the issues or claims be helpful.

Respectfully submitted,

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